



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RB:MLY
F.#2010R00826

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 13, 2010

By ECF and Hand

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Marsh, et al.
Criminal Docket No. 10-480 (JBW)

Dear Judge Weinstein:

This letter is submitted in response to defendant Kenneth Marsh's October 13, 2010 Motion to Continue Regarding Expert Witness.

At the status conference on September 13, 2010, the Court ordered the parties to exchange reports by their respective medical experts on October 13, 2010, a week before the hearing, which is currently scheduled for October 20, 2010. In order to expedite matters, the government agreed at the September 13 status conference that it would waive its right to schedule Marsh's examination for a date following the receipt of Marsh's expert's report. Instead, the government committed to conducting an examination by October 5, 2010, which it did. In his Motion to Continue, however, Marsh makes clear that he will not be producing his expert's report today, as the Court had ordered, because the report is not finished yet. In fact, Marsh said that his expert will not have a report ready until the first week of November. In light of Marsh's position, the government will not produce the report of its expert until it receives Marsh's report.

Marsh also states in his motion that the government has violated an order of the Court requiring it to sell Marsh's real property. The government is not in violation of the Court's order. As ordered by the Court, the United States Marshals

Service is working expeditiously to sell the relevant properties as quickly as possible.

Respectfully submitted,

LORETTA E. LYNCH
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Eastern District of New York

By: /s/
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cc: Fred Schwartz, Esq. (for Kenneth Marsh) (by ECF)